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Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Third session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child:
Viet Nam

1. The Committee considered the initial report of Viet Nam (CRC/C/3/Add.4) at its 59th, 60th and 61st meetings (CRC/C/SR.59 to 61), held on 19 and 20 January 1993, and adopted* the following concluding observations:

A. Introduction

2. The Committee expresses its appreciation to the State party for its report and for engaging through a high-ranking delegation in a constructive and frank dialogue with the Committee. It notes with satisfaction that Viet Nam has been the first Asian State to sign and ratify the Convention and to submit a report on its implementation. The Committee appreciates the comprehensiveness of the report, which has been prepared in conformity with the Committee's guidelines.

3. The report and the detailed additional information provided by the State party's representatives in the course of the discussion have enabled the

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* At the 73rd meeting, held on 28 January 1993.

Committee to obtain a comprehensive view of the State party's compliance with the obligations undertaken under the Convention on the Rights of the Child and human rights standards set forth therein.

B. Positive aspects

4. The Committee takes note with satisfaction of the efforts made by the Government of Viet Nam to secure implementation of the Convention's provisions throughout the country. The adoption by the National Assembly of the Law on the Protection, Care and Education of Children and of the Law on the Universalization of Primary Education in August 1991, the proclamation of the Year of the Vietnamese Child in 1989-1990, the national review of the first 10 years (1979-1989) of implementation of the Ordinance on the Protection, Care and Education of Children and related activities, the stipulations on the rights of the child in the new national Constitution - all these developments are important steps towards the implementation of the Convention. The Committee notes with satisfaction the holding, as follow-up action to the World Summit for Children, of a National Summit for Children and approval by it of Viet Nam's draft National Programme of Action for Children 1991-2000. The Committee finds of particular importance the establishment of the Committee for the Protection and Care of Children at the national level, as well as the establishment of such Committees at provincial, district and commune level, to monitor the implementation of the Convention.

C. Factors and difficulties impeding the implementation of the Convention

5. The Committee notes that transition from a centrally planned to a market oriented economy in Viet Nam produces new, or aggravates old, social problems which have a negative impact on the situation of children. Old traditions in remote parts of the country also create difficulties for the application of the provisions of the Convention. The Committee notes that the Government of Viet Nam is well aware of the existing difficulties impeding the implementation of the Convention and much appreciates the frankness and openness of the report in this respect. The Committee, furthermore, notes the commitment expressed by the Government to do everything, through national as well as international actions, in such a difficult situation to ensure that the children's problems are treated with the highest possible priority.

D. Principal subjects of concern

6. The Committee expresses its concern about the negative effects of the economic reforms under way in Viet Nam on the situation of children. It is also concerned about the situation of children belonging to the various minority groups, especially those living in the mountain areas of the country. The Committee notes that long periods of imprisonment for delinquent children set forth in national penal legislation are not in conformity with the provisions of article 37 of the Convention and that every child alleged to have or accused of having infringed the penal law should have the guarantees envisaged in article 40 of the Convention. The Committee also expresses its concern at the perpetuation

of prejudices in some regions of the country resulting in discrimination against women and girls. The situation of children in rural areas is a general concern, e.g. regarding health and educational possibilities. The growing number of children living and/or working on the street, child prostitution and pornography are also matters of concern, as is the lack of adequate training of the law enforcement officials as far as the implementation of the Convention is concerned.

E. Suggestions and recommendations

7. The Committee considers it to be particularly important for the Government of Viet Nam to take all necessary steps, both nationally and also using international assistance and cooperation, to minimize the negative impact that the economic reforms may have on the most vulnerable group, i.e. children of the Vietnamese society. Particular attention should be paid to the protection of children belonging to different minority groups, children living in rural areas and children in urban areas who live and/or work on the street. In the latter case, there seems to be a need to further study the root causes of this phenomenon and develop appropriate strategies to resolve this problem.

8. The appropriate amendments should be made to the Penal Code in order to adequately reflect the provisions contained in articles 37, 39 and 40 of the Convention as well as the relevant provisions of the Code of Conduct for Law Enforcement Officials and other international standards in this field, such as the "Beijing Rules", the "Riyadh Guidelines" and the Rules for the Protection of Juveniles Deprived of their Liberty. In this connection the Committee recommends that a training course for law enforcement personnel be organized by the Centre for Human Rights in Viet Nam.

9. The text of the Convention should be translated into the languages of all minority groups and disseminated as widely as possible in order to sensitize the public opinion with respect to the protection of the rights of the child. The youth and non-governmental organizations could play an active role in creating an awareness about the Convention all over the country.

10. The Committee proposed, in accordance with article 44, paragraph 4, that additional information be provided to the Committee with respect to the administration of juvenile justice by 1 June 1993 in order to enable the Committee's pre-sessional working group to consider that information and to report back to the Committee at its autumn session. The publication and the widest possible dissemination within the country of the report submitted by the Government of Viet Nam to the Committee and of the Committee's proceedings are recommended.